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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3377 OF 2007

Sarvar Alam Hasan Razak Khan ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr.Amin Solkar, Advocate, for the Applicant.

Mr.D.P. Adsule, APP, for the Respondent-State.

CORAM : A.P. DESHPANDE, J.

DATED : 10TH DECEMBER, 2007.

P.C.:

1. This Criminal Application has been filed by the original accused seeking a direction against the J.M.F.C. First Class, Thane for committing the accused to the Court of Sessions to stand the trial.

2. It appears that as one of the accused is absconding, no order of committal has been passed by the J.M.F.C. under Section 209 of the Code of Criminal Procedure. It is not in dispute that the requirement of Sections 207 and 208 has been complied with by the prosecution and hence there is no impediment in the way of the J.M.F.C. to commit the case to the Court of Sessions as the offence is exclusively triable by the said Court.

3. The learned APP appearing for the respondent does not oppose this application and joins in the request made by the Counsel for the applicant for directing the J.M.F.C. First Class to pass an order under Section 209 of the Cr.P.C. in regard to the commitment of the case to the Court of Sessions as the offence is exclusively triable by the said Court.

4. In the result, Application is allowed. J.M.F.C. First Class, Thane is directed to commit the case of the accused for trial to the Sessions Court, Thane in regard to C.R. No.1/39 of 2007 of Mumbra Police Station, preferably within two weeks.

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